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SC Court of Appeals

**ADDENDUM TO APPELANT BRIEF
In The Court Appeals**

THE STATE OF SOUTH CAROLINA
In the Court of Appeal
APPEAL FROM CHARLESTON COUNTY

Stephanie P. McDonald , Administrative Tribunal Law Judge

Order dated: 27 February 2014

Pepsi Bottling Group IN C et al.....Respondent,

v.

Mr. Wesley Edward Smith III,Appellant.

ADDENDUM TO APPEALLANT BRIEF

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Attorney for Respondent

If, I Mr. Wesley Edward Smith III is hear to be Judged as a sinner and not according the act as being set-up to be "viewed" as a Sinner, Yes, I admit this fact, that I am a sinner. Whether or not I committed the crimes under the state law require proof of a complaint, specifically stating that PBG has been legally injured and the Mr. Wesley Edward Smith III that has been properly identified by the jurisdiction of the local law enforcement agency, and memorandum of law argument had be provided to the proper court and notice to appeal all PBG determination were sent to all opposing parties. Such proof must be beyond reasonable doubt. For the record I, Wesley Edward Smith III did not commit any of the allege in PBG complained of.

Complaint remains to be seen in accordance with Statutory requirement under S C Code 15-3-20 (et seq). PBG refuse to pay me the money owed as required under SC Code 41-10-50. As such PBG have violated these, my recognizable protected rights under the State statutes. As a direct result, I Mr. Wesley Edward Smith III have been legally injured, and court process is being converted, while its elected official are being deceived. Such reason to believe acts are at the hands of third party personnel, that is using this office as a business practice to conduct unlawful or wrongful process and the production of fraudulent orders that provides false dates and times.

While objectionable questions are being draws on reasonableness, I Mr. Wesley Edward Smith III believes I been part of a process by being arbitrarily target and made an official part of this process, unofficially (without notice). My legal issue are of substance "depravation of statutory due process of a particular subject matter while abusing the judicial process, abusing its delegate or elected power, committing fraud upon the courts, while the contract and protected relationships, that are being encroached upon by third party interveners that acts are lead to believe have willingly chosen and the existing between the citizens of this state and the State. I, Wesley Edward Smith III rely on the State appellate court rules for any independent action in equity and as such relief afforded under appellant rule 240 for adequate and proper declared and decreed relief's by this court order(s)

BACKGROUND PROCDREUAL FACTS

The order of the Honorable Stephanie P. McDonald involves challenges to test the legal sufficiency of the PBG claims and termination process with performance evaluations as requested and absent the legal complaint not being released as required rule of law. This would

all impartial actions to ascertain exactly, not speculative of facts nor the presumed mere conjecture of law, but by seeking further to discovery by review of proof, the involvement State based on the perilously forwarded evidence by Pepsi Bottling Group action in the appellant court pursuant to rules 240 that grants such seeking of relief. Action of this case were not finally disposed of in the premature order(s), as alleged supported by lower courts. I was accused and terminated from employment for various state crimes while at work with Pepsi Bottling Group, INC while PBG and other personnel have turned over to the State, the state evidence against me (Mr. Wesley Edward Smith III) for the alleged wrongdoing I was accused of committing at my site. These delayed court actions and proceeding draws reason to believe that Mr. Backdoor and Mr. Secret Deals have met for some sort of plea dealing, which lessened offenses and granted unspoken of pardons.

There are undisputed criminal activities between the parties, that are continually delayed while being overlooked. This particular ruling bring into question the involvement with the delegated, appearances of infringing upon Mr. Wesley Edward Smith III Statutory al rights as well. I, Mr. Wesley Edward Smith III have been victimized employment and adversely affected judicially by the respondents for being deprived my Statutorily protected rights and legal shield based on the respondent initiating an employment decision to terminate Mr. Wesley Edward Smith III, This is perceived as that adverse action in terms of a wrongful usurpations of law, with a plausible cause, but without reading of rights by persons are just using the name of the PBG practice to catapult assaults and commits battery and legal kidnapping of employees, any employee, by arbitrarily targeting for legal practice while having a semblance of rights as Mr.

Wesley Edward Smith III termination from employment without the PBG having the proof beyond reasonable doubt or the substantive evidence required, when there was to terminate an employee.

PLEASE INSERT on page 10 Appellant Brief

5 Did the State court allowing the judge order be in error without the showing of support of legal appellant shield Statute 15-3-20 in error of finding the non establishment a prima Facie case as afforded under the statutory legal shield of Mr. Wesley Edward Smith III for SC code 13-10-10 (et seq) for anti biased action of alleged discrimination based on the race, age, disability claim being denied against PBG or as seen as the indirect or direct evince on the face of the order (See Attachment G Offered into evidence) as stated "dismissed with prejudice" which words speak volumes with unsupported legal actions, that was granted to the respondents without the substantive evidence or supporting memorandum of law argument.

6 . Did the State court allow the order of the judge on the face when the respondent have not disclosed or provide this court a complaint that is in compliance with Mr. Wesley Edward Smith III statutory legal shield afforded under S C Code 15-3-20(B) that prevent barbarity arbitrarily targeting and subjection to personal act of law without the filing an legitimate and party showing a claim for relief substantiated by a legally binding injuring accident or event? Was there any mentioning's made how and when (performance evaluations) that Mr. Wesley Edward Smith III failed to do a duty for which such activities prevented him the performing his assigned work duties as required by the PBG policies, procedures and PBG directives?

7. Did the State court error in judgment not finding that PBG discharged Mr. Wesley Edward Smith for cause? (See attachment A as offered into evidence and subsequent State court order as attachment B dated 27 November 2013) establishes Mr. Wesley Edward Smith III termination from employment was indeed legal, lawful in support with the law enforcement agency seal with the magistrates report and recommendations affirming the same set of facts? Were there statements, as submitted within the separate complaint of PBG which afforded them a legal remedy for Summary Judgment relief as being identified as the "injured party", but not discovered due to the nondisclosure of such facts, as legal service were required?

8 Did the State court order error in judgment my overlooking the possible harassing, legal bullying and or intimidation of Mr. Wesley Edward Smith III or the Judge Orders, One order approving Mr. Wesley Edward Smith III Motion to proceed In forma Pauperis, thus waiving the \$100.00 filing fee and the other order denying such legal rights which would also prevent paying of fees or other incurred cost on appeal (See Attachment H offered into evidence)

WHEREAS, I. Mr. Wesley Edward Smith III seek declaratory and independent action in equity affording for relief while respectfully demanding the same respect given be received in the same or similar mannerism of things or as the same proper courtesy is given to this courts, justices of the courts, an any man or women, any judicial officer and these appointed to assist them alike. These actions are not the same and are non frivolous legal matters. The issues on appeal from the State Court order(s) (PBG and by the conjoined Court orders) seems only to serve as a Anti American bias practice for holding positions and a anti American protected statute bias to legally block or serve as a barrier to allow the party to perform unethical entertainment behaviors (bamboozled), unlawful business practices and uses that do not timely allow the discovery of truths while at the same time hinders the judicial mechanism for some other unidentified compelling purpose . As supported under the legal requirements of SC Code 15-3- 20(B) et seg which in relevant parts require the commencement pf the civil action with the filing of a complaint (absent) here before the order were signed and attested as true facts), but fact to what? What Mr. Wesley Edward Smith III appellant protection that shield him legal to discover the truths or to receive a filled copy of the order filed and receive such required services sent to all opposing parties to appeal a judgment, order or decision as required under appellate rule 203(b) (1)?

AS ASSUMING ARGUENDO It seems that the party is trying construe the legislative intent without supporting subjective reason for the legal attacking and legal mistreatment of another hard working citizen who have a "right to work according to the enacted law. Such argument is not to be interwoven, to this already complicated setting.

Where in the court records does the respondents PBG or the State Court follow the proper protocol or prerequisite by affording Mr. Wesley Edward Smith III his legal protections by providing the a copy of the filed complaint for which the third parties claims they have suffered of acquired any legal injuries by the hands of Mr. Wesley Edward Smith III that list any semblance of a details that they were adversely affected? Where was the filing and service of PBG or its Judges complaint in compliance with the mandated requirement contained in the American English language under SC Code 15-3-20(B) which also allows the listing of separated claim for relief (no claims stated for relief identified in this court process with supporting elements for judgment(s)) sought that is not clearly detailed in State Court previous order(s)

WHEREAS Based on the expressly written laws, I rely on the statutory requirements of State Statute 15-3-20(B) which commence any and all civil action, before a final ruling should have been rendered to favor a party over the other that has cause my legal injuries and deny of statutory protection affording procedural due process. My Indigent status was documented was noted in the records.

WHEREAS based and supported under the legal requirement of SC Code 15-3- 20(B) et seg ASSUMING ARGUENDO It seems that the party is trying construe the legislative intent for writing law, to fit its action for committing crimes or premature judgments. Taking parts and pieces of a whole document to fit or meet its compelling and subjective acts. I believe that the respondent has misinterpreted the legislative language as supported herein, thus the court

order(s) should be dismissed, reversed, and stricken from all records, never to be heard of again in any mannerism of things. Just because the respondents may be unhappy at this result, but notes should be taken and lessons should be learnt. They (the Respondents) to have a right to request a Congressional hearing to meet and discuss with the current legislators, to understand the expressly written direction of the written language, as stated without any reasonable doubt remaining or legal objectionable inferences to be drawn upon conclusion of any act under the state Statutes. Clearly stated under Article 15-3-20(b) as Stated in relevant parts: *"(B) A civil action is commenced when the summons and complaint are filed with the clerk of court if actual service is accomplished within one hundred twenty days after filing."*


WHEREAS Based on the expressly written law I rely on as objectively supporting my position, reasons are given to believe (lack of disclosure of facts) for the disclosure of the required evidence to disclose substantive evidence to prove their case but based on the lack of proof shown the service was accomplish on Mr. Wesley Edward Smith III. This is a duty to serve notices, such as required by this statutes, a submission of a complaint and summon issued to all adversarial parties. The respondents, which all here are consider "the third party" has willingly chosen to intervened, all awhile encroaching upon my statutory protections, thus violating a recognizable legal right and violating a sacred trust of duty, care and ethics working with the limited integrity machinery of the judicial process.

I do not believe this is neither the time or the place to waste this courts precious time, on the understanding or to determine the legislators intent (not jurisdiction subject mattres). The respondent have chosen to infringe upon, hinder the process and misconstrued facts with their interwoven subjective beliefs, that are believe based on personal travels somewhere (respondents according to their merits have to work that out). Interposing of lies has not allowed the acceptances of the truths. To deny a citizen of his statutory right which governs any and all of our American Society. The deprivation of this statutory right has happened. I do not believe that any Legislator would allow to use or issuance of a preexisting disabling condition to continue fester, prior to testing, before today's human society would be ready to consume the attacks from legal practitioners (ones who practice on the laws daily for a source or living with its own compelling outcome or fix) as professionals state to be legitimately legal. Such finding of any unlawful facts or unethical practice by the production of a controlling substance that is designed to enslave, such a the business barriers of a designed document, at a level would be monumentally catastrophe to anyone soul. The allowance of faulty production, as assumed argumentative, legally signed documentation that was put in the civilized mainstream of a working class society, with trial or working element still existing from work unsupervised or being undone, would be potentially problematic. Such as the human consumption of any written propaganda which controls, compels and governs the civilized society. This is after being duly sworn to protect and serve the people or by being fully divested with trust and due diligence to provide the people with the proper ingredients (nutrients) that find is consumable for all citizens. Anything less, other than finding the truth, would be considered Fraudulent acts upon the civilized society. As demanded and not relevant, any respondent(s) can discuss this action quietly to themselves without disturbing the

peace.

THEREFORE pursuant to rule 240 and based on the court records containing several respondents and alike third party who continually seem to take its personal stance (as believed also subjected to the state laws) vice asserting the required legal reliability to construe the civil Judgment acts as legitimate, where in the records shows respondents acts are without the elements and the reliable sources necessary, as in past cases such were any unsubstantiated facts lacked evidence, disclosure of evidence, cross examination of witnesses, reasonable doubt remaining or without the supported of the law enforcement agency seal of approval of this action were granted a REVERSAL and stricken from all records. The actions were Dismiss without Prejudices and complaints were reinstated (as amended) to support and meet with such legal arguments necessary of law or proof that the respondents action doesn't draw reasonable inferences of genuine issue of material facts remaining. Based on information, the respondent had a duty to report to such commissions before acting. Such issues for resolution aren't warranted herein. I, Wesley Edward Smith III rely on the State appellate court rules for any independent action in equity and as such relief afforded under appellant rule 240 for adequate and proper declared and decreed relief's by this court order(s)

May 18, 2015



Mr. Wesley E. Smith, III Pro Se
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(843)7238598
Attorney for Appellant

ATTACHMENT "D"

Title 15 - Civil Remedies and Procedures

CHAPTER 3

Limitation of Civil Actions

ARTICLE 1

General Provisions

SECTION 15-3-20. General rule as to time for commencement.

(A) Civil actions may only be commenced within the periods prescribed in this title after the cause of action has accrued, except when, in special cases, a different limitation is prescribed by statute.

(B) A civil action is commenced when the summons and complaint are filed with the clerk of court if actual service is accomplished within one hundred twenty days after filing.

HISTORY: 1962 Code Section 10-102; 1952 Code Section 10-102; 1942 Code Section 356; 1932 Code Section 356; Civ. P. '22 Section 313; Civ. P. '12 Section 119; Civ. P. '02 Section 94; 1870 (14) 444 Section 97; 2002 Act No. 281, Section 1.

ATTACHMENT "E"

Title 41 - Labor and Employment

CHAPTER 10

Payment of Wages

SECTION 41-10-10. Definitions.

As used in this chapter:

(1) "Employer" means every person, firm, partnership, association, corporation, receiver, or other officer of a court of this State, the State or any political subdivision thereof, and any agent or officer of the above classes employing any person in this State.

(2) "Wages" means all amounts at which labor rendered is recompensed, whether the amount is fixed or ascertained on a time, task, piece, or commission basis, or other method of calculating the amount and includes vacation, holiday, and sick leave payments which are due to an employee under any employer policy or employment contract. Funds placed in pension plans or profit sharing plans are not wages subject to this chapter.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986; 1990 Act No. 463, Section 1, eff May 7, 1990.

SECTION 41-10-20. Applicability of chapter.

This chapter applies to all employers in South Carolina except that Section 41-10-30 does not apply to:

(1) employers of domestic labor in private homes.

(2) employers employing fewer than five employees at all times during the preceding twelve months.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986.

SECTION 41-10-30. Notification to employees of wages and hours agreed upon; recordkeeping requirements; requirement of itemized statement of gross pay and deductions for each pay period.

(A) Every employer shall notify each employee in writing at the time of hiring of the normal hours and wages agreed upon, the time and place of payment, and the deductions which will be made from the wages, including payments to insurance programs. The employer has the option of giving written notification by posting the terms conspicuously at or near the place of work. Any changes in these terms must be made in writing at least seven calendar days before they become effective. This section does not apply to wage increases.

(B) Every employer shall keep records of names and addresses of all employees and of wages paid each payday and deductions made for three years.

ATTACHMENT "F"



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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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May 12, 2015

Wesley Edward Smith, III
465 N. Nassau Street
Charleston SC 29403

Re: Pepsi Bottling Group v. Wesley Smith
Appellate Case No. 2015-000548

Dear Mr. Smith:

Enclosed is your memorandum to the records. The Court cannot accept these documents at this time. If you would like to file a motion requesting relief from the Court, you must do so by filing a motion pursuant to Rule 240, SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Ashley Bryan Abel, Esquire

Wesley E. Smith III
465 North Nassau Street
Charleston, South Carolina 29403
(843)723-8598

May 18, 2015

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CLERK
Honorable Jenny A. Kitchens
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Pepsi Bottling Group INC et al Respondents v. Mr. Wesley Edward Smith, III Appellant
Respondents Case No. 2013-CP-10-00417

Dear Honorable Clerk Kitchens;

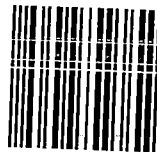
Enclosed for your immediate action is Appellant Addendum page to Brief of Appellant with Attachment D, E, F, G, H, and I to coincide with the objective memorandum law argument for granting relief as afforded under appellate rule 240

Thanking you in advance

Sincerely,


Mr. Wesley Edward Smith III

Mr. Wesley Edward Smith III
465 N. Nassau Street
Charleston, South Carolina 29403



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